



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/722,780

11/26/2003

Joel G. Hassell

UV-123 Cont.

7224

75563

7590

09/04/2008

ROPES & GRAY LLP

PATENT DOCKETING 39/361

1211 AVENUE OF THE AMERICAS

NEW YORK, NY 10036-8704

EXAMINER

ZHONG, JUN FFI

ART UNIT

PAPER NUMBER

2623

MAIL DATE

DELIVERY MODE

09/04/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/722,780

**Applicant(s)**

HASSELL ET AL

**Examiner**

JUN FEI ZHONG

**Art Unit**

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 151-163, 165-179, 181-195, 197-211 and 213-258 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 151-163, 165-179, 181-195, 197-211, 213-258 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

1. This action is responsive to an Amendment filed 5/27/2008. Claims 151-163, 165-179, 181-195, 197-211, 213-258 are pending. Claims 151-163, 167-179, 183-195, 197-211, 213-214 are amended. Claims 164, 180, 196, 212 are cancelled.

***Response to Arguments***

2. Applicant's arguments with respect to claims 151-163, 165-179, 181-195, 197-211, 213-214 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 151-158, 161-163, 165, 167-174, 177-179, 181, 183-190, 193-195, 197, and 199-206, 209-211, 213 rejected under 35 U.S.C. 102(b) as being anticipated by Knee et al. (Patent # US 5589892).

As to claim 167, Knee discloses user television equipment (e.g., set top converter; Fig. 1) for use in a system that provides interactive television features using an interactive television application at least partially implemented on the user television

equipment (see col. 9, lines 50-58; col. 17, lines 34-56), the user television equipment configured to:

receive a plurality of digital feeds from a plurality of broadcast providers (e.g., receiving digital broadcasting channels from different television channels provider, such as HBO, SHO, DIS, TMC, etc.; Fig. 1, 10, 37, 58), wherein the digital feeds contain program listings data (e.g., EPG) (see col. 9, line 59 through col. 10, line 4; col. 18, lines 24-40; col. 46, lines 8-45; Abstract);

associate each digital feed with a broadcast provider (e.g., each channel is associate with a channel provider, such as HBO, SHO, DIS, TMC, etc.; Fig. 10, 58);

select program listings data from a digital feed associated with a particular broadcast provider (e.g., selects program information for the currently being viewed channel to display when in the browse mode), wherein the selected program listings data comprise at least one title of a television program (Fig. 11-13) (see col. 15, line 19 through col. 16, line 36);

use the interactive television application to display the selected program listings data on the display (Fig. 11-13).

As to claims 168 and 170, Knee discloses the user equipment of claim 167 wherein the plurality of digital feeds further comprises video and audio (see col. 46, lines 40-45).

As to claim 169, Knee discloses the user equipment of claim 167 wherein the plurality of digital feeds further comprises a graphical image (e.g., bitmaps, graphic symbol, logo) (see col. 11, lines 32-40).

As to claim 171, Knee discloses the user equipment of claim 167 wherein the plurality of digital feeds further comprises text (e.g., a message; Fig. 28) (see col. 21, line 62 through col. 22, line 15).

As to claim 172, Knee discloses the user equipment of claim 167 wherein the plurality of digital feeds further comprises interactive content (e.g., home shopping; Fig. 43B-43E) (see col. 36, line 62 through col. 37, line 9).

As to claim 173, Knee discloses the user equipment of claim 167 wherein the plurality of digital feeds further comprises an enhanced broadcast (e.g., home shopping; Fig. 43B-43E) (see col. 36, line 62 through col. 37, line 9).

As to claim 174, Knee discloses the user equipment of claim 167 wherein the plurality of digital feeds further comprises data (e.g., program information /or a message; Fig. 28) (see col. 21, line 62 through col. 22, line 15; col. 46, lines 8-45).

As to claim 177, Knee discloses the user equipment of claim 167 further configured to:

receive, while television programming of the particular broadcast provider is displayed on the display, a user indication to view the selected program listings data (e.g., user depress the key on remote control to initiate the Browse Mode) (see col. 15, lines 19-24);

display the selected program listings data on the display in response to receiving the user indication (see col.15, line 19 through col. 16, line 36; Fig. 11 and 12).

As to claim 178, Knee discloses the user equipment of claim 177 further configured to display the selected program listings data in a partial-screen overlay that partially covers the television programming (e.g., overlay 111; Fig. 11) (see col. 15, lines 25-40).

As to claim 179, Knee discloses the user equipment of claim 177 further configured to display the selected program listings data simultaneously with the television programming such that the television programming can be viewed unobscured (e.g., the overlay 111 is on the bottom of the screen and the television program is clearly showed; Fig. 11) (see col. 15, lines 25-40).

As to claim 181, Knee discloses the user equipment of claim 167 further configured to use the interactive television application to display program listings data for a plurality of video feeds that are associated with the particular broadcast provider

(e.g., provide user a option to select special channels; Fig. 26) (see col. 21, lines 20-35).

As to claims 151-158, 161-163, 165, 183-190, 193-195, 197, and 199-206, 209-211, 213, they contain the limitations of claims 167-174, 177-181 and are analyzed as previously discussed with respect to claims 167-174, 177-181 above.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 166, 182, 198, and 214 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knee et al. (Patent # US 5589892) in view of Arai et al. (Patent # US 6486920).

As to claim 182, Knee discloses the user equipment of configured to use the interactive television application to display program listings data (e.g., program information; Fig. 18) (see col. 18, lines 24-40).

Knee fails to disclose two video feeds that simultaneously broadcast are associated with the particular broadcast provider.

Arai discloses two video feeds that are simultaneously broadcast and that are associated with the particular broadcast provider (e.g., user may chose analog or digital broadcast for the same program; Fig. 68) (see col. 24, line 61 through col. 25, line 6).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide different video feeds from the same provider as taught by Arai to the EPG system of Knee in order to provides a broadcast system capable of linking program information between different networks when the same program is broadcasted through digital and analog channels in the simulcast services (see col. 1, lines 62-65).

As to claims 166, 198, and 214, they contain the limitations of claim 182 and are analyzed as previously discussed with respect to claim 182 above.

7. Claims 159-160, 175-176, 191-192, 207-208 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knee et al. (Patent # US 5589892) in view of Schneidewend et al. (Patent # US 6249320).

As to claim 175, Knee discloses receives program information in the VBI of a television channel (see col. 40, lines 28-42).

Knee does not specifically disclose receive the plurality of digital feeds on the same analog carrier.



Schneidewend discloses receiving the plurality of digital feeds on the same analog carrier as television programming of the plurality broadcast providers (e.g., receives multiple digital channels in a physical transmission channel) (see col. 1, lines 38-49).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide multiple digital feeds from the same analog carrier as taught by Schneidewend to the EPG system of Knee in order to provides a broadcast system capable of using one physical transmission channel to transmit multiple digital channels to users.

As to claim 176, Knee discloses the user equipment of claim 167 further configured to receive the plurality of digital feeds on a different analog carrier than television programming of the plurality of broadcast providers (e.g., using other PTC to transmit sub-channels) (see col. 5, lines 28-42).

As to claims 159-160, 191-192, 207-208, they contain the limitations of claims 175-176 and are analyzed as previously discussed with respect to claims 175-176 above.

8. Claims 215, 220-221, 226, 231-232, 237, 242-243, 248, 253-254 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knee et al. (Patent # US 5589892) in view of Cecco et al. (Patent # US 6310631).

As to claim 215, Knee discloses the method of claim 151 further comprising:  
displaying the selected program listings data on the display in one or more windows (e.g., display a graphic overlay 111; Fig. 11) (see col. 15, lines 25-40);  
Knee fails to disclose allowing a user to perform at least one of move and resize the one or more of the windows.

Cecco discloses allowing a user to perform at least one of move and resize the one or more of the windows (see col. 2, lines 50-56).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have resize window as taught by Cecco to the EPG system of Knee in order to make better use of screen real estate.

As to claim 220, Knee discloses displaying a first window on the user display (e.g., displaying television channel on a television screen; Fig. 5);  
displaying a second window on the user display (e.g., displaying a graphic overlay 111; Fig. 11);

Cecco discloses allowing the user to move the second window, the movement of the second window being confined to the borders of the first window (e.g., the adjustable shape is within the window) (see col. 6, lines 10-21).

As to claim 221, Knee discloses displaying at least one advertisement window on the user display (e.g., showing advertising clips; Fig. 22) (see col. 20, lines 25-37);

Cecco discloses restricting the user from resizing the advertisement windows and from placing the advertisement windows anywhere outside the user display (e.g., disable pane modification buttons, user can not change the pane) (see col. 7, lines 3-10).

As to claims 226, 231-232, 237, 242-243, 248, 253-254, they contain the limitations of claims 215, 220-221 and are analyzed as previously discussed with respect to claims 215, 220-221 above.

9. Claims 216-217, 227-228, 238-239, 249-250 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knee et al. (Patent # US 5589892) in view of Cecco et al. (Patent # US 6310631), further in view of Kavalam et al. (Patent # US 6057836).

As to claim 216, note the discussion above.

Both Knee and Cecco fail to specifically disclose automatically crop the program listings data displayed in the one or more windows after the windows have been resized.

Kavalam discloses automatically using a display control application to crop the program listings data displayed in the one or more windows after the windows have been resized if the displayed program listings data no longer fits within the window borders (e.g., the user moving a section from a toolbar out of the toolbar and into a new

toolbar results in the toolbar area being expanded in size) (see Fig. 3a-3d) (see col. 8, lines 1-63).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have automatic configure window display information as taught by Kavalam to the EPG system of Knee as modified by Cecco in order to see more information with respect to the section.

As to claim 217, Kavalam discloses the method of claim 215 further comprising automatically using a display control application associated with the user television equipment to change the proportions of the program listings data displayed in the one or more windows after the windows have been resized in accordance with the change in proportions of the resized windows (e.g., based on the size of the toolbar would change the format of the toolbar) (see Fig. 3a-3d) (see col. 8, lines 1-63).

As to claims 227-228, 238-239, 249-250, they contain the limitations of claims 216-217 and are analyzed as previously discussed with respect to claims 216-217 above.

10. Claims 218-219, 229-230, 240-241, 251-252 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knee et al. (Patent # US 5589892) in view of Cecco et al. (Patent # US 6310631), further in view of Bates et al. (Patent # US 5377317).

As to claim 218, note the discussion above.

Both Knee and Cecco fail to specifically disclose displaying a plurality of the windows in cascade form.

Bates discloses displaying a plurality of the windows in a wherein a first window is viewable in the front of the cascading structure (e.g., Turbo Tax window; Fig. 2c)

allowing the user to select a second window from among the remaining windows behind the first window in the cascading structure (e.g., user could select any window; Fig. 2c) (see col. 4, line 55-col. 5, line 5);

changing the order of windows in the cascading structure wherein the second window is displayed in the front of the cascading structure (e.g., after user selects File Manager window, File Manager window would be the first window and follow by Turbo Tax window) (see col. 4, line 55-col. 5, line 5; col. 10, lines 11-42; Fig. 8, 9b).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have cascading window display as taught by Bates to the EPG system of Knee as modified by Cecco in order to provide a more efficient way for user to find partially or completely obscured windows.

As to claim 219, Bates discloses displaying a first window on the user display (e.g., display Lotus window; Fig. 2E-1);

displaying a second window on the user display on top of the first window (e.g., displaying Quicken window on top of Lotus window; Fig. 2E-2), the program listings data

of the first window being cropped in the area covered by the second window (e.g., some portion of the Lotus window is blocked by Quicken window; Fig. 2E-2).

As to claims 229-230, 240-241, 251-252, they contain the limitations of claims 218-219 and are analyzed as previously discussed with respect to claims 218-219 above.

11. Claims 222, 233, 244, 255 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knee et al. (Patent # US 5589892) in view of Cecco et al. (Patent # US 6310631), further in view of Schindler (Patent # US 6081830).

As to claim 222, note the discussion above.

Both Knee and Cecco fail to disclose creating a digital feeds in real time and display to user;

Schindler discloses creating one or more digital feeds in real time (e.g., logon to a chat room) (see col. 6, lines 9-60);

displaying a new window on the user display that includes the digital feeds that were created in real time (see col. 6, line 61-col. 7, line 45; Fig. 3).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the chat room application as taught by Schindler to the EPG system of Knee as modified by Cecco in order to allow users to discuss the common program they are watching.

As to claims 233, 244, 255, they contain the limitations of claim 222 and are analyzed as previously discussed with respect to claim 222 above.

12. Claims 223-225, 234-235, 245-247, 256-258 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knee et al. (Patent # US 5589892) in view of Cecco et al. (Patent # US 6310631), further in view of Wills (Patent # US 5434625).

As to claim 223, note the discussion above.

Both Knee and Cecco fail to disclose automatically resizing one or more windows in predetermined ratios to one another.

Wills discloses automatically resizing one or more windows, wherein the dimensions of the new windows are in predetermined ratios to one another (e.g., displaying POP on a TV screen with 4:3 ratio; Fig. 1f) (see col. 6, lines 15-34).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the POP application as taught by Wills to the EPG system of Knee as modified by Cecco in order to provide multiple windows of moving picture without aspect ratio distortion but fit the television screen.

As to claim 224, Wills discloses the method defined in claim 223, wherein the areas enclosed by each of the resized windows is equivalent to the areas enclosed by

the corresponding windows before being resized (e.g., multiple windows fill the television screen; Fig. 1f) (see col. 6, lines 15-34).

As to claim 224, Wills discloses the method defined in claim 223, wherein the resizing is characterized by the use of a standard aspect ratio of 4:3 for the predetermined ratio (see col. 6, lines 15-34; Fig. 1f).

As to claims 234-235, 245-247, 256-258, they contain the limitations of claims 223-225 and are analyzed as previously discussed with respect to claims 223-225 above.

### ***Conclusion***

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of



the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### ***Inquiries***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jun Fei Zhong whose telephone number is 571-270-1708. The examiner can normally be reached on Mon-Fri, 7:30-5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on 571-272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/722,780

Page 17

Art Unit: 2623

/Nivek Srivastava/

Supervisory Patent Examiner, Art Unit 2623